

## **EXHIBIT “B”**



## PHILADELPHIA POLICE DEPARTMENT

## DIRECTIVE 92 (6-23-10)

### APPENDIX "B"

#### SUBJECT: "LIVE STOP" PROGRAM

#### I. POLICY

- A. It shall be the policy of the Philadelphia Police Department, hereinafter referred to as the PPD, to enforce the impoundment provisions of the Pennsylvania Vehicle Code, §6309.2, known as "Live Stop" in a reasonable and equitable manner without regard to race, religion, ethnicity, disability, financial status, or sexual orientation.
- B. Furthermore, it shall also be the policy of the PPD to safeguard any occupants of vehicles so impounded. Under no circumstances shall the occupants of any vehicle impounded be abandoned on any city street or highway. Specifically, it shall be the duty of every investigating officer to insure the safety of these occupants by offering to either transport the occupants home or to another address if located within a reasonable distance, transporting the individuals to the nearest police district where the occupants can safely make alternate arrangements, or if requested, by transporting the occupants to the nearest public transportation hub. Should any occupant decline police transportation, the investigating officer will record such declination and attempt to have the occupants sign the Vehicle or Pedestrian Investigation Report (75-48A).
- C. Also, while the safety of the occupants is a paramount concern to the PPD, the occupants have the right to refuse transportation. Barring exigent circumstances, officers will never transport any individual against his or her will.

#### II. LEGAL REQUIREMENTS OF §6309.2

- A. According to the Pennsylvania Vehicle Code §6309.2, any vehicle may be impounded when it is determined, during a lawful vehicle investigation that the operator is in violation of any or all of the following statutes:

§1301(a) -- Driving Unregistered Vehicle Prohibited.  
§1371 -- Operation Following Suspension of Registration  
§1501(a) -- Drivers Required to be Licensed  
§1543(a) -- Driving While Operating Privilege is Suspended or Revoked

**NOTE:** Impoundment is in addition to any fines and penalties for the underlying offense.

- B. All vehicles being operated in violation of Pennsylvania Vehicle Code §6309.2 shall be impounded as provided in Section III, with the following exception:

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1. When a vehicle is stopped and the operator is unlicensed or operating with a suspended or revoked license AND THE OWNER OF THE VEHICLE IS PRESENT IN THE VEHICLE and otherwise legally and physically capable of operating the vehicle safely, the vehicle SHALL NOT be impounded, but rather RELEASED TO THE OWNER.
  - a. Prior to releasing the vehicle to the owner, in addition to any traffic citations issued to the operator, the investigating officer SHALL ISSUE THE OWNER a traffic citation for authorizing or knowingly permitting a motor vehicle owned by him/her to be driven in violation of any provisions of the Pennsylvania Vehicle Code (75 P.S. §1575(a)).

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### III. IMPOUNDMENT PROCEDURES

- A. Once it is determined during the course of a lawful vehicle investigation that the operator is in violation of any provisions identified above, the investigating officer shall:
  1. Request Police Radio to confirm the status of the operator's license or lack thereof and/or the vehicle's registration.

**NOTE:** If the status cannot be confirmed, the vehicle shall not be impounded.
  2. Upon verification, Police Radio will notify the Philadelphia Parking Authority and Philadelphia Traffic Court. A time check will be given by Police Radio upon notification.
  3. Inform the operator that the vehicle is being impounded by the Philadelphia Traffic Court and explain the reason why.
  4. Notify the operator and any occupants that they will not be left at that location and that the police department will either transport them to their residence or another address if located within a reasonable distance, to the nearest police district where the individuals can safely make alternate arrangements, or to the nearest public transportation hub, if they so desire. Occupants will also be advised that they have the right to refuse any police services.
  5. Prepare the traffic citations, a pedestrian and vehicle investigation report (75-48A) UCR Code 2808 and a towing report form (75-7) when vehicle is towed.
  6. Prepare a Towed Vehicle Notice (Form 75-618). This provides the necessary information and instructions on how the operator or owner can reclaim the vehicle.
  7. If the operator is a scofflaw, or any other warrants exist, normal arrest procedures will be followed.

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8. Police officers may respond to priority calls without a supervisor's authorization. Also, officers may leave the scene prior to the arrival of a tow truck if other exigent circumstances develop (i. e., other than a priority call), but only when authorized by a supervisor. In either case, if an officer does leave the scene prior to the arrival of a tow truck, Police Radio will be notified to cancel the authorized tower.

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**NOTE:** If an authorized tow truck does not arrive within thirty (30) minutes, the officer will issue the citations, prepare a 75-48A with UCR Code 2807.

- B. Once a tow truck arrives on location, the investigating officer, shall, with the aid of backup:
  1. Have the operator and occupants exit the vehicle and remain on location until the tow truck operator has the vehicle in tow.
  2. Complete the Towing Report by conducting a vehicle inventory describing any damage and/or missing equipment, personal property of value left in the vehicle by the operator/occupants including the trunk area if accessible.

**NOTE:** No locked areas, including the trunk area, will be forced open while conducting an inventory.

3. At the top of the Towing Report in the "Reason for Towing" block, the "Violation" block will be checked off and the citation number for all tickets to be issued along with the Pennsylvania Code section and fine amounts will be clearly recorded in the "Trunk Locked" block. The "Location Vehicle Towed" block will be left empty.
4. The Towing Report will be signed by the officer and vehicle operator. Ask the operator to sign at the bottom of the "Describe Damage" block. If the operator refuses to sign, it will be noted by the investigating officer on both the Towing Report and the Vehicle and Pedestrian Investigation Report.
5. The tow truck driver will be given the white copy of the Towing Report.
6. The vehicle operator will be given the pink copy of the Towing Report, the "Defendant" copy of all citations prepared, and the Towed Vehicle Notice Form.

**NOTE:** In the "Remarks" section on all citations issued it will be noted that the vehicle was impounded under §6309.2 of the Pennsylvania Vehicle Code. Also, a full description of the operator shall be included.

- a. As a courtesy, always advise the operator that it is necessary to bring his or her operator's license, registration card and proof of automobile insurance to Traffic Court when attempting to reclaim the vehicle.

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#### IV. OCCUPANT SAFEGUARDING PROCEDURES

A. Once the vehicle has been towed, the investigating officer, along with backup, will:

1. Offer to transport the driver/occupants home or to another address if located within a reasonable distance, to the nearest police district where the occupants can safely make alternate arrangements, or if requested, to the nearest public transportation hub.

**NOTE 1:** The driver and or any occupant have the right to refuse any police assistance. Barring exigent circumstances, officers will never transport any individual against his or her will.

**NOTE 2:** The term “reasonable distance” shall be determined by the investigating officer’s supervisor based upon the totality of the circumstances.

**NOTE 3:** The term “transportation hub” shall mean a transportation facility whereby multiple train, bus or trolley lines converge providing access to locales citywide. It shall not include isolated or single train, bus, or trolley stops.

2. The officer will include in the “Notes” section of the Vehicle and Pedestrian Investigation Report (75-48A) the actual provisions that were made for the occupant(s). Whenever possible, have the occupants sign the 75-48A.

**NOTE:** If the occupants refuse police transportation or to sign the Vehicle or Pedestrian Investigation Report, the investigating officer will record the refusals in the “Notes” section of the report (i. e., 75-48A).

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#### V. OPERATIONS ROOM PROCEDURES

A. The Operations Room Supervisor will:

1. Ensure all vehicle and pedestrian investigation reports are coded correctly in the INCT. UCR Code 2808 will be used when a “Live Stop” vehicle was towed and the UCR Code 2807 when exigent circumstances necessitated the cancellation of the vehicle being towed.
2. Ensure that whatever provisions were made for the occupants or any refusals are properly included in the “Notes” section of the Vehicle or Pedestrian Investigation Report.

3. Ensure that the Towing Report (75-7) is distributed as follows:

White Copy -- Authorized Tow Truck Operator  
Yellow Copy -- Retained in District tickler file for 90 days  
Pink Copy -- Provided to operator of impounded vehicle  
Goldenrod Copy -- Placed in the locking Traffic Citation mail bag to  
Philadelphia Traffic Court

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**BY COMMAND OF THE POLICE COMMISSIONER**

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**PHILADELPHIA POLICE DEPARTMENT**

**TOWED VEHICLE NOTICE**

YOUR VEHICLE HAS BEEN TOWED IN ACCORDANCE WITH SECTION 6309-2 OF THE VEHICLE LAWS OF PENNSYLVANIA AND AUTHORIZED BY PHILADELPHIA TRAFFIC COURT.

YOU MUST CONTACT THE PHILADELPHIA TRAFFIC COURT, LOCATED AT 800 SPRING GARDEN STREET, TELEPHONE (215) 686-1680, MONDAY THROUGH FRIDAY, FROM 8:30 AM TO 3:30 PM.

**ONLY THE PHILADELPHIA TRAFFIC COURT HAS THE AUTHORITY TO RELEASE THE VEHICLE. YOU MUST BRING YOUR OPERATOR'S LICENSE, VEHICLE REGISTRATION CARD, AND PROOF OF INSURANCE IN ORDER FOR YOUR VEHICLE TO BE PROCESSED FOR RELEASE.**

POLICE OFFICER	BADGE NO
VEHICLE NO.	DATE
LOCATION OF SEIZURE	

75-618 (Rev. 7-02)

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<b>TOWING REPORT</b>			CITY OF PHILADELPHIA POLICE DEPARTMENT		STOCK NUMBER		DC NUMBER		
REASON			<input type="checkbox"/> ABANDONED <input type="checkbox"/> EVIDENCE <input type="checkbox"/> VIOLATION (Specify) <input type="checkbox"/> STOLEN <input type="checkbox"/> ACCIDENT <input type="checkbox"/> RELOCATION		INV. UNIT CONTROL NUMBER		PROPERTY RECEIPT NUMBER		
DATE	TIME	DISTRICT	LOCATION (TOWED FROM)						
LICENSE NUMBER	SERIAL NUMBER			YEAR	STATE	MAKE VEHICLE	TYPE		
LOCATION VEHICLE TOWED (Company)		TOWED BY (Tow Operator)			TRUCK NUMBER	PAYROLL NUMBER			
VEHICLE RECEIVED BY (Name)			RANK	PAYROLL NUMBER		DATE	TIME		
CONDITION OF VEHICLE									
VEHICLE LOCKED	YES	NO	RADIO, STEREO, ETC.	YES	NO	HEADLIGHTS	YES	NO	
KEYS WITH VEHICLE			BATTERY			TAIL LIGHTS			
WINDOWS DAMAGED			TIRES MISSING			MOTOR			
OWNER'S NAME			TELEPHONE NUMBER			OWNER NOTIFICATION			
OWNER'S ADDRESS						SUPERVISOR'S NAME			
NAME OF DRIVER OTHER THAN OWNER			TELEPHONE NUMBER			TIME	DATE		
DRIVER'S ADDRESS						WHO NOTIFIED			
DAY TOWED	TIME	MONTH	DAY	YEAR	HOW (CHECK ONE) <input type="checkbox"/> TELEPHONE <input type="checkbox"/> 75-48 <input type="checkbox"/> OTHER				
VEHICLE DAMAGE		<input type="checkbox"/> Yes <input type="checkbox"/> No		DESCRIBE DAMAGE					
   									
TRUNK LOCKED (If no, list all contents)		<input type="checkbox"/> Yes <input type="checkbox"/> No							
SIGNATURE OF OFFICER MAKING REPORT				RANK	BADGE NUMBER		DATE	TIME	
SIGNATURE OF APPROVING SUPERVISOR									